

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES DEAN RAYMOND,)	
)	
Petitioner,)	
)	
v.)	No. 4:13CV2215 TIA
)	
STATE OF IOWA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court upon James Dean Raymond's application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

The Petition

Petitioner, an Iowa state prisoner currently incarcerated at the Iowa State Penitentiary in Ft. Madison, Iowa, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is challenging a conviction that arose in the Floyd County District Court in Charles City, Iowa.

Discussion

Pursuant to 28 U.S.C. § 2241(a), "[w]rits of habeas corpus may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions." The writ of habeas corpus acts upon the person holding the petitioner in what is alleged to be unlawful custody. Rheuark v. Wade, 608 F.2d 304, 305 (8th Cir. 1979). Therefore, jurisdiction of a petition for a writ of habeas corpus lies "either in the district of physical confinement or in the district in which a custodian against whom the petition is directed is present."

In the case at hand, neither petitioner nor respondent is located within the geographic boundaries of the Eastern District of Missouri. Therefore, this Court does not have the authority to

entertain the instant petition. The United States District Court for the Northern District of Iowa does have authority to entertain this petition. See 28 U.S.C. § 95(a)(2).

Under 28 U.S.C. § 1631, a court that finds it lacks jurisdiction to entertain a civil action may, if it is in the interest of justice, transfer such action to any other court in which the action could have been brought at the time it was filed. Because petitioner is proceeding pro se and seeks habeas relief, the Court believes it would be in the interest of justice to transfer this case to the United States District Court for the Northern District of Iowa pursuant to § 1631.

Therefore,

IT IS HEREBY ORDERED that the Clerk shall **TRANSFER** the instant petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 to the United States District Court for the Northern District of Iowa. See 28 U.S.C. § 1631.

A separate Order of Transfer shall accompany this Memorandum and Order.

Dated this 13th day of November, 2013.

A handwritten signature in dark ink, appearing to read "David Edward Ruckelshaus", is written over a horizontal line.

UNITED STATES DISTRICT JUDGE